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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/341,085	07/02/1999	CAREL J.L. VAN DRIEL	PHN17.110	4715

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EXAMINER
NGUYEN, THU HA T

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 12/19/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/341,085	Applicant(s) VAN DRIEL, CAREL J.L.	
	Examiner Thu Ha T. Nguyen	Art Unit 2155	

-- Th MAILING DATE of this communication appears on the cover sh et with the correspondenc address --

Peri d for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 July 1999* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-8* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-8* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

1. Claims **1- 8** are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 37 1(c) of this title before the invention thereof by the applicant for patent.

3. Claims 1-8 are rejected under 35 U.S.C. § 102(e) as being anticipated by **Hiekali** U.S. Patent No. **5,619,500**.

4. As to claim 1, **Hiekali** teaches the invention as claimed, including communication system comprising a plurality of terminals (figures 2, 4, element 205) which are connected to a network switch (figure 2-3, elements 201, 301) via an access network (figure 3, element 300), the access network comprising an access node (figure 3, element 302) coupled to the terminals via a transmission network, the access node further being coupled to the network switch characterized in that the access node comprises an access node switch and a plurality of network control elements, in that the

access node switch is coupled to the network switch and to the plurality of network control elements in that the transmission network comprises a plurality of sub-networks, and in that the network control elements are coupled to the plurality of sub-networks (figures 2-3, abstract, col. 1 lines 32-col. 2 lines 33, col. 3 lines 3-59).

5. As to claim 2, **Hiekali** teaches the invention as claimed, including characterized in that the network control elements comprise a network control switch and a plurality of channel cluster modules, in that the network control switch is coupled to the access node switch and to the channel cluster modules, and in that the channel cluster modules are coupled to the sub-network corresponding to the network control node (figures 3-5, 8-10, abstract, col. 2 lines 5-33, col. 14 lines 20-60).

6. As to claim 3, **Hiekali** teaches the invention as claimed, including characterized in that the channel cluster modules comprise at least one downstream channel module (figure 5, col. 3 lines 60-col. 5 lines 45, col. 6 lines 8-col. 7 lines 15).

7. As to claim 4, **Hiekali** teaches the invention as claimed, including characterized in that the channel cluster module comprises an upstream channel module (figures 5-6, col. 3 lines 60-col. 5 lines 45, col. 6 lines 8-col. 7 lines 15).

8. As to claim 5, **Hiekali** teaches the invention as claimed, including characterized in that the terminals comprises signaling means for exchanging network layer control information with the network switch (figure 4, abstract, col. 2 lines 5-33).

9. As to claim 6, **Hiekali** teaches the invention as claimed, including characterized in that the network switch comprises proxy signaling means for deriving network layer control information from session layer and/or transport layer information exchanged between a terminal and the network switch (figure 4, abstract, col. 3 lines 60-col. 5 lines 45).

10. As to claim 7, **Hiekali** teaches the invention as claimed, including access node coupled being connectable to a transmission network, and to a network switch, characterized in that the access node comprises an access node switch being coupled to a plurality of network control elements, in that the access node switch is connectable to the network switch and in that the network control elements are connectable to a plurality of sub-networks (figures 2-4, abstract, col. 1 lines 32-col. 2 lines 33, col. 3 lines 3-59).

11. As to claim 8, **Hiekali** teaches the invention as claimed, including characterized in that the network control elements comprise a network control switch and a plurality of channel cluster modules, in that the network control node router is coupled to the access node router and to the channel cluster modules, and in that the

channel cluster modules are connectable to a sub-network corresponding to the network control node (figure 3-4, abstract, col. 1 lines 32-col. 2 lines 33, col. 3 lines 3-59).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Ha Nguyen, whose telephone number is (703) 305-7447. The examiner can normally be reached Monday through Friday from 7:00 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, SPE Ayaz R. Sheikh, can be reached at (703) 305-9648.

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

The fax number for art unit 2155 is (703) 305-7201.

Thu Ha Nguyen

December 14, 2001

DAVID WILEY
PRIMARY EXAMINER